



Land Tenure Center

COUNTRY EXPERIENCE IN LAND ISSUES

BELIZE

by

Dr. Joseph Iyo
Patricia Mendoza
Jose Cardona
Armin Cansino
Raymond David

**Under Subcontract to Development Alternatives, Inc.
Financed by U.S. Agency for International Development,
BASIS IQC LAG-I-00-98-0026-0**

APRIL 24, 2003

TABLE OF CONTENT

	Page
1. INTRODUCTION	1
2. BELIZE COUNTRY PROFILE	1
2.1 Major Indicators.....	1
2.1 Major Land Use Patterns	3
3. THE IMPACT OF THE ADMINISTRATIVE STATUS ON LAND USE AND TENURE IN BELIZE – 1700S TO 1920S	5
3.1 Trends and Patterns in Land tenure 1700s-1871.....	5
3.2 Trends and Patterns of Land Tenure (1871 – 1920s)	6
4. TRENDS AND PATTERNS OF LAND TENURE (1920S – 1970S) ..	7
4.1 The Land Administration Committee	8
4.2 The Issue of Race and Ethnicity Prior to Self Government.....	9
4.3 Productive Activity.....	10
5. LAND MANAGEMENT AND ADMINISTRATION IN POST INDEPENDENCE BELIZE	11
5.1 The Further Evolution of the Legal Framework.....	11
5.2 The Evolution of Institutional Arrangements for Land Administration.....	12
5.3 The Current Institutional Framework for Land Management and Administration	13
6. TOWARD OPTIMISING THE TRIO OF LAND POLICY IMPERATIVES	16
6.1 Access and Distribution	16
6.2 Equity Issues in the Distribution of Land	18
6.3 The Changing Role of the State.....	19
6.4 Land Market Development.....	20
6.5 International Environmental Initiatives and National Land Policy Development	21
6.5.1 Post UNCED: The Heightened Role of Conservation NGOs.....	22
6.5.2 Biodiversity Management and Protected Areas.....	23
7. TARGETED INTERVENTIONS IN SUPPORT OF LAND ADMINISTRATION.....	24
7.1 The Land Administration Project.....	24
7.2 The Land Management Programme.....	25
8. ISSUES IN MODERNIZING LAND ADMINISTRATION	27
8.1 Land Information, Land Use and Physical Planning	27
8.2 Policy Coordination and Institutional Strengthening	27
9. CONCLUSIONS AND RECOMMENDATIONS	28

1. INTRODUCTION

Land management in Belize was marked, in the colonial period, by a high concentration of landholding among a particular group of persons, to the exclusion of other members of the settlement. Over the years, the management has evolved through the changing role of the state to accommodate shifts in productive activity and resettlement/expansion, the increased involvement of the private sector. The evolution in management over the years has been facilitated by changes in the legal framework, as well as the transformation, where the management of public lands are concerned, of the Lands and Survey Department.

The Lands and Surveys Department is located within the Ministry of Natural Resources, along with sister departments responsible for the management and protection of the forest (Forest Department) and the Environment (Department of the Environment), as well as the management of non-renewable resources (Department of Geology and Petroleum). Whilst the Ministry has the mandate for the overall direction and coordination of natural resource policy, the Lands and Survey Department has the responsibility for management of the national estate, the facilitation and recording private estate transactions, surveying standards, land use planning, valuation and taxation of rural lands, and the collection of data and dissemination of land/natural resource information.

Although land management and distribution functions date back to the beginning of the Department in 1862, the land use planning and data collection and land information capacities were established in 1992. As explored below, these initiatives may have been propelled by the commitments within Agenda 21, but the involvement of the Department in the land administration and planning dialogue remained constrained over the period since the Rio Summit, and consequently the Land Administration functions have improved incrementally only. The recent initiatives—Land Administration Project and Land Management Programme, are intended to provide a catalyst for the Department to become proactive and assertive in its administration functions, and thus facilitate an increasingly dynamic land market whilst ensuring that environmental protection and equity are preserved.

2. BELIZE COUNTRY PROFILE

2.1 Major Indicators

Belize became an independent country in 1981, after a protracted struggle against British rule. Belize is a sovereign state governed on the principles of parliamentary democracy, using the Westminster model. The Prime Minister and Cabinet constitute the executive branch of Government. The Cabinet consists of Ministers who are appointed, mainly from among elected representatives, by the Governor General on the advice of the Prime Minister. The legislature is comprised of a 29-member House of Representatives and a senate consisting twelve (12) members and a president.

Population, Employment and Income

	1994	1998	1999	2000	2001
POPULATION AND EMPLOYMENT					
Population (Thousands)	211.0	238.0	243.0	249.8	256.8
Percentage Population in Rural areas	49.3%	49.6%	51.4%	51.4%	51.4%
Population density per sq. km.	9.2	10.4	10.6	10.9	11.2
Employed Labour Force (Thousands)	62.4	73.3	77.8	83.7	86.8
Unemployment Rate (%)	9.0%	14.3%	12.8%	11.1%	9.3%
Population in absolute poverty	13.4%				
Life Expectancy at birth (years)	72				
Literacy rate	13.4%				
INCOME					
GDP at Current Market Prices (US\$mn)	552.0	629.6	688.0	773.0	805.0
Per Capita GDP (US\$)	2,616	2,645	2,831	3,094	3,135
Real GDP Growth (%)	1.4	1.8	6.5	10.8	4.6
Share of Primary Activities in GDP	20.3%	19.6%	19.8%	18.2%	16.8%
Agriculture	14.7%	14.2%	13.9%	12.9%	11.3%
Forestry and Logging	2.5%	1.6%	1.9%	0.6%	1.1%
Fishing	2.5%	3.2%	3.4%	4.0%	3.7%
Mining	0.6%	0.6%	0.6%	0.7%	0.7%
Share of Secondary Activities in GDP	24.6%	22.7%	22.4%	23.2%	23.7%
Manufacturing	14.1%	13.5%	12.7%	13.3%	13.4%
Electricity & Water	3.7%	3.4%	3.3%	3.3%	3.2%
Construction	6.8%	5.8%	6.4%	6.6%	7.1%
Share of Services Activities in GDP	55.2%	57.8%	57.8%	58.7%	59.5%
Trade, Restaurants & Hotels	17.4%	18.9%	20.4%	22.1%	21.4%
Transport & Communications	10.3%	10.4%	10.4%	9.9%	10.5%
Finance & Insurance	6.5%	6.9%	6.5%	7.0%	7.1%
Real estate & Business services	5.7%	6.6%	6.2%	5.9%	6.1%
Public Administration	13.3%	12.7%	12.2%	11.8%	12.3%
Community & Other services	6.1%	6.5%	6.0%	5.5%	5.6%
Less Imputed Bank Charges	-4.1%	-4.2%	-3.9%	-3.5%	-3.5%

Source: Central Statistical Office
Central Bank of Belize Annual Report

Belize is located on the eastern (Caribbean) seaboard of the Yucatan Peninsula of Central America, bordered by Mexico in the north, and by Guatemala in the south

and west. The 8,868 square miles (22,963 square kilometres) of land varies from the plains of the north to the hills of the south and the numerous offshore coral islands. The coastline is largely mangrove swamps and is protected by the second largest barrier reef in the world after Australia

Belize has a population of 256,800 (2001 estimates) divided by 51.4% rural and 49.6% urban. The population density, which has been on a steady rise, is 11.2 per square kilometre. The country's unemployment rate measured 9.3 in 2001—an employed population of 86,800 in a total population of 256,800. Belize's GDP at current market prices stood at US\$805.0 mn or BZ\$1.6 bn.

2.1 Major Land Use Patterns

Belize today is characterized by a variety of landholdings with ownership (tenure) vested through both private freehold and leasehold titles in both urban and rural areas. In addition, National Estate lands are available for leases or currently in lease application process to a total of 8% of all rural lands available.¹ It has been estimated that at any given time, about 1% of available (national) land parcels in Belize are in the process of leasehold and that occupants claiming tenure through approved leases for which no Certificate of Leasehold title has been issued account for about 50% of land titles under adjudication.²

In 2001, it was reported that estimated ownership of land amounting to between 90,000 and 100,000 parcels, were yet to be determined. Recent work undertaken, however, have yielded indicators that this may have been a significant underestimation. It was further reported that most farmers in Orange Walk, Corozal, Belize and Cayo Districts have landholdings of 5-50 acres (2-20 hectares). Nevertheless, a greater total area of land in these Districts is still being held by those farming more than 50 acres (20 ha). With few exceptions, land on estates of more than 1000 acres (400 ha) is currently under-utilized.

It needs stressing too that the current land recording systems do not offer easy ways to examine land records. In many instances, individuals have to visit the Archives in Belmopan to determine land ownership dating far back in time. There are also difficulties in determining the breakdown of land ownership between males and females, on one hand, and joint ownership on the other. Nevertheless, the individual (non discriminatory) right to own a piece of land in Belize is well established in statute law³ even though the Land Acquisition Act does allow a level of arbitrary action on the part of the government.

To a large extent, the environmental impacts of current levels of development in Belize on land use are relatively minimal. Nevertheless, it needs stressing that the economic growth of Belize depends on the sustainability of its resource base, especially with respect to eco-tourism, agriculture and marine production. The pressure on these resources as the population continues to grow (in 1995, the population growth rate in the rural areas was calculated at 3.4% as opposed to

1.5% in the urban areas) is becoming a source of concern to policy makers and environmental NGO's.

Land Use and Forest Cover (1994)

<i>Land Use</i>	
Total land area (sq. km.)	22,960
Total national territory including coastal waters (sq. km.)	46,620
Land area used for agricultural purposes (sq. km.)	6,880
Urban population as percentage of total population	51%
<i>Forest Cover</i>	
Area under Forest use (sq. km)	
Broad leaf forest	14,190
Open broad leaf forest	120.31
Pine forest	576.25
Open pine forest	73.07
Thicket and other degenerated broad leaf forest	848.38
Herbaceous and scrub, secondary after clearing	188.59
Bamboo and riparian vegetation	115.27
Coastal strand vegetation	24.83
Mangrove, medium and tall	78.20
Mangrove, dwarf	234.60
Saline swamp, vegetation with palmetto and mangrove	344.87
Marsh	419.63

A combination of the increase in the farming population that employs *milpa* farming technique near forest reserves, the loss (erosion) of top soils due to shortened fallow periods and the repeated cycles of burning have begun to draw the attention of the Government of Belize and NGO's. A land use study undertaken by the Overseas Development Administration revealed that contrary to popular belief, good agricultural land is becoming increasingly limited in Belize. Other studies have asserted that:

- There is an increase in the annual rate of deforestation (calculated at +/- 0.2%) due to agricultural development.
- There is an increase in logging of primary timber species especially mahogany and cedar.

- There is a growing trend in the contamination of aquatic and marine environment by agro-chemicals (polluted runoff) from banana farms.
- The eutrophication of waterways by the discharge of effluent from food processing plants is harming marine ecology.⁴

3. THE IMPACT OF THE ADMINISTRATIVE STATUS ON LAND USE AND TENURE IN BELIZE – 1700s TO 1920s

3.1 Trends and Patterns in Land tenure 1700s-1871

State policy, race, class, and ethnicity have, at different historical periods, dictated Land ownership and distribution since the establishment of the settlement. Unlike the case in many Caribbean island states dominated by plantation industries, land use in pre-colonial and colonial Belize was largely subject to the fortunes of the extractive forest industry. Furthermore, state policy regarding land was largely influenced by the fact that the Belize Settlement operated without colonial status from the 17th century until the second half of the 19th century. Up until towards the middle of the 1700s, there were hardly any laws governing land tenure in the territory. Since the number of British settlers (called Baymen) in the territory was small and land was thus abundant proportionate to the population, there was no need to regulate land. Thus the mode of land acquisition operated was by simply staking claim to a logwood “work.”⁵ After a particular work had been exhausted, the settler simply moved to the next.

By 1765, the Location Laws were introduced in pre-Colonial Belize. These laws gave a settler the right to claim not more than one “work” on an unoccupied piece of land. By 1783, the area conceded to the British by the Spanish authorities for settlement was divided up and shared among 30 settlers. For much of the period before the formal phase of colonial Belize (1871), the struggle between the appointed superintendents and the settlers over access and control of land remained fratricidal. The Baymen used the fragile hold by the British over the whole territory of Belize to consolidate their hold over much of the fertile lands. , As Belize became an *entreport*, in many instances large landowners (*forestocrats*) doubled as merchants controlling both import and export businesses and as trans-shippers of commodities for much of Central America.

In 1817, the crown colony made its first effort to regulate the acquisition of land in Belize. The then Superintendent, Arthur, proclaimed all unclaimed lands to be Crown land, thereby forcing all settlers to register land claims within six months or lose them. The result of this policy was that by the time Arthur left, two aspects of land tenure became clear: the Sibun River had become the dividing line between private lands and Crown lands, and the claims to land were exercised via either the location⁶ (North) or the Crown grant (South) system. Furthermore, the privately held land north of the Sibun comprised small and large-scale holdings. After 1880, for

instance, Belize Estate Company alone owned 1.0 million acres of the private land in the country (including all lands in the Orange Walk District and in the Northern Cayo and Belize Districts), while about 30 large landowners owned the other half.⁷ The lands south of the Sibun River, largely held by the crown, were estimated to be 2.0 million acres.

In 1854, a new constitution streamlined a legal and administrative framework to guide land and property rights in Belize. While the 1854 Land Titles Act legalized all previous lands held with or without titles before that date, it did not inaugurate universal right to landownership. For example, the Garifuna were informed in 1857 that they would have to pay an annual fee for lands they were occupying but would lose them if they moved. On the heels of the 1859 Treaty between Great Britain and Guatemala, the British Honduras Land Titles Act was passed in 1861. This Act created a mechanism for settlement of land disputes and registration. In 1867, the British declared that no Maya could reside on any land without previous arrangement to pay rent to the Crown or the owner of such lands. In 1868 however, the Maya Indians were allowed access to crown land for use without titles (which would have made such lands disposable).

In the description of the borders and commitment for demarcation by respective commissioners, the 1859 Treaty⁸ allowed for the relaxation of restrictions with respect to land use in Belize and thus promoted the expansion from logwood into mahogany production. The resulting shift from logwood to mahogany production influenced both the geography and sociology of the land tenure system. Firstly, the inadequacy of logwood “works” became apparent because mahogany, unlike logwood, was not restricted along the rivers, creeks and lagoons but tended to grow sparse and scattered, covering a wider land area. Secondly, the amount of labour required for mahogany changed the requirement for access to land. Whereas during the logwood era, a single “Bayman” could gain access to a “work,” during the mahogany period, a settler had to have at least four able-bodied male slaves to entitle him to a mahogany “work”. Above all, the transformation from small-scale land holdings to large-scale land holdings was determined (by-and-large) by the mode of production. The mode of production in turn determined the relations of production. The African slave became both a means and mode of production and the relationship between the slave and the master was determined by the labour and services s/he supplied for the profit of the slave master.

3.2 Trends and Patterns of Land Tenure (1871 – 1920s)

The state’s influence on patterns of landownership after the establishment of crown colony status was constrained by previous arrangements. In particular, land policy in Belize before 1871 was characterized by private ownership of all lands. Land ownership was the preserve of the top socio-economic class comprising the white population and some few “coloureds”. The rest of the population remained landless or at best could gain access to such lands under strictures defined by the tenure requirements of the landowners or the possibility of squatting. Furthermore, the stark

distinction between the land tenure arrangements and land management practices North and South of the Sibun—the effect of the introduction of the early location practice and the later declaration of Crown Lands and claims registration—carried over to the post 1871 era.

By 1871, through a process of land acquisition from financially strapped landowners, most of the privately held land north of the Sibun River fell into the hands of foreign companies and rich individuals. Furthermore, the Crown Lands Ordinance of 1872 consolidated Garifuna land reserves but did not allow them to hold land under freehold title (Bolland & Shoman 1977, p.133). Denial of the majority of Belizean citizens access to land was further facilitated by the Truck and Advance systems (system that entrenched debt peonage).⁹

3.2.1 The Crown Lands Act (CLA)

The Crown Lands Ordinance of 1872 streamlined the process of acquisition of usufructary rights to national land, the acquisition of property rights to national lands, and the establishment of Indian and Carib Reserves together with rules for their operation. The Ordinance also streamlined the process of delineating forest and agricultural reserves. Above all, the Ordinance successfully deprived both the Maya and the Garifuna the right to own land and provided for them only to occupy certain lands as defined by the crown.

The CLA also established a separate regime for disposing of crown lands. This was achieved through the issuance of “Location tickets”, leases and grants by the Governor-in-Council. Of the three types, the location ticket was the most insecure tenure, as it amounted to no more than a tenancy at will. The conditions attached to the occupancy had to be fulfilled before the “settler” was allowed to purchase the land.

Apart from facilitating the issuance of lots in towns, villages and farm plots in rural areas, the CLA also provided for the creation of Indian and Carib reserves. Furthermore, it contained provisions for the issuance of “free Grants” (land granted without payment of a purchase price). Under the free grants scheme, titles (Governor’s Fiat Grant) could be issued to immigrants, developers and war veterans.

4. TRENDS AND PATTERNS OF LAND TENURE (1920s – 1970s)

A major change in land policy occurred between 1920 and 1968. This was influenced in the first instance by the displacement of labour through the mechanization of forestry operation. Further influencing factors included the granting of land reserves for the Maya in the Toledo District and the leasing of large tracts of subdivided national lands for the Maya-Mestizo population residing in the sugar growing areas of the northern districts.

In addition to the distribution of national lands noted above, reform of privately owned lands was attempted through the introduction of the Law of Property Act (LPA) and General Registry Act (GRA). Following the English LPA of 1925, the LPA introduced in Belize in 1954 allowed for two types of legal estates in land: the leasehold (term of years) and the freehold (fee simple estate). The LPA set out the substantive law relating to land while the GRA dealt mostly with the procedural aspect of registering of titles (Torrens system type) and the recording of Deeds of Conveyance.

4.1 The Land Administration Committee

The rise of the sugarcane industry in the northern Districts of Corozal and Orange Walk and the Commonwealth Sugar Agreement of 1959 (which offered Belize Sugar quotas that the existing production could not meet) also caused the government to initiate some changes in land policy. Consequently, the 1960s witnessed the formation of a Land Administration Committee. Formed in 1961, the Committee was charged to “examine the whole problem of the ownership, occupation and utilization of land.”¹⁰ The Land Administration Committee initiated several land reforms (including the establishment of the Lands Department in 1968) through legislations including:

- The Land Reform (Security of Tenure) Ordinance of 1962.
- The Land Tax (Rural Land Utilization) Ordinance of 1966.
- The Land Tax (Amendment) Ordinance of 1971.
- The Aliens Landholding Ordinance of 1973.

As it turned out, both the composition of the Land Administration Committee (comprising public servants and a major landowner) and the proposed reforms recommended by the Committee were merely window-dressing aimed at maintaining the *status quo ante*. The Committee recommended, *inter alia*, that, “no consideration ... be given to any proposals for expropriation of unused land at less than its market value.”¹¹ In binding government to payment at market value, this recommendation did little to encourage the expropriation of unused land, as was its purported intend. Furthermore, the committee failed to indicate a pricing policy for the transfer of land to the “intended” market -- those requiring agricultural parcels -- despite the fact that majority of the local citizens were earning wages below the market value.

The Committee however made one significant recommendation – it recommended “that the Landlord and Tenants Ordinance be amended so as to give greater protection to tenant farmers, and that a new Crown Lands Ordinance be enacted to give effect to Government’s policy.”¹² The Committee also recommended an upward review of land tax arguing that the existing rates were “too low to have an appreciable effect on land use ...”¹³

Based on the recommendations of the Land Administration Committee, one can argue that the colonial government was simply trying to secure landholdings for its patrons -- the major landowners -- because it was well aware that the nationalists would embark on land redistribution (that may negatively affect this class of investors) once it took over the reins of power.

4.2 The Issue of Race and Ethnicity Prior to Self Government

The demography of Belize is an important feature in its land distribution and land use history and patterns. We do not know precisely how the Maya distributed land among their members prior to colonization, but we do have sufficient evidence to demonstrate that communal ownership was the norm. The concept of individual land ownership was introduced in Belize soon after the British settlers were able to subjugate the Maya. The British settlers, in order to control and exploit all land resources in the settlement, introduced African slave labour in the early 18th century. A further interesting feature is the pattern of settlement encouraged and/or facilitated throughout the 19th and early 20th centuries. The Garinagu migrated from Honduras to settle in southern Belize in the early 19th century. The Maya-Mestizo from Mexico migrated and settled in north and northwest in the middle of the 19th century. The Southern ex-confederate Americans were encouraged to migrate and settle in southern Belize in the second half of the 19th century. East Indian and Chinese indentured servants soon followed and were settled in southern and northern Belize respectively in the second half of the 19th century. Towards the end of the 19th century, different Maya groups migrated from Guatemala to settle in western and southern Belize. In the 20th century, other groups came to settle in different parts of the country. These include: Middle Easterners (probably in the 1920s), Chinese (probably around the 1950s), Mennonites (1950s and early 1960s), Hindu Indians (early 1970s), and those referred to as Central American Immigrants (in the late 1970s and 1980s). The immigration of these groups of people in different time periods altered, to a certain extent, the nature and character of land use in the settlement-turned-colony in 1862.

Data on ethnicity and land use/tenure system in Belize before the modern era is problematic as census data fails to draw distinctive lines on race and ethnic categories. It is known that in anticipation of emancipation, the free coloured population was keen, by the early 1800s, on distinguishing itself from ex-slaves. Free coloureds were rewarded with the grant of rights and privileges on par with their white counterparts in 1831. The divisions within and among all the people of colour in the settlement compounded the problem of access to land. There were divisions between free blacks (both African born and Creole – Belizean born) and those referred to as coloured (descendants of African women and white men) and between ex-slaves and white settlers.¹⁴ Notwithstanding the revision of status, few Creoles are noted as having access to landholdings.¹⁵ Perhaps the principal factor in this regard was the inauguration of land fees (one pound sterling per acre of land) in 1838 after emancipation which no doubt served to

ensure that former slaves did not have access to land. There is no record of land sale or purchase through 1868.

Additional information on ethnicity and landholdings can be discerned through ethnographic data. Such data shows that the Maya were mainly farmers, with 50% producing on plots of land between 1 and 5 acres in size compared to 35% that were estimated to be producing on plots of 5 to 10 acres. Furthermore, 92% of the Garifuna had landholdings under 1 acre and none held lands exceeding 100 acres in size. In addition 50% of those classified as white held lands averaging over 100 acres of land in size, with holding of 28% between 10 and 100 acres and none with landholdings below 1 acre in size (When).¹⁶

4.3 Productive Activity

Land use in Belize since the beginning of the settlement by the British in the early 17th century has been historically linked to the means of production. The acquisition and accumulation of land has accounted for the nature and character of its distribution and ownership. Before 1862 agriculture was only ancillary to forestry. Those involved in agricultural production in a consistent manner were mainly the old, the infirm and women. The rest of the population worked their small “plantations” during the off-mahogany season only. The total acreage under cultivation during this period is not known, a point which underscores the secondary nature of agriculture in this period. However, soon after 1871 (the start of Crown colonial period), the promotion of agriculture by the state and the declining fortunes of forestry changed the situation as over 60,000 acres of land was put under cultivation by 1889 (the main crops included corn, sugarcane and banana).¹⁷ By 1911, 15% of Belize’s population of 40,458 was engaged in agriculture and 50% of that number described as “agricultural labourers” and the rest described as “planters”, “small cultivators” and “milperos”.¹⁸

The interruption of food imports during and after WWI clearly signalled a change in colonial land policy. The colonial government developed a strategy to bring idle land into productive use by offering prospective agriculturalists unlimited access to such lands and population resettlement schemes. In addition, the colonial government also began establishing plantation agricultural production in the Stann Creek Valley and the Toledo District. Agricultural land was held under the following tenure categories: Location Ticket, Private Freehold, Leasehold, Purchase, Free Grant, Poll Rental, Communal Tenure, Squatting, and Crown Land. The latter comprised all lands inherited from Britain or acquired from private owners or forfeited in lieu of taxes.¹⁹ The former Crown Lands Act allowed the Commissioner of Lands and Surveys to issue Annual Tenancy Permits of Occupancy in Land Reserves (other than Indian and Carib Reserves). These Permits allowed the holder to cultivate lands upon payment of the specified “Occupancy Fee”. The regime allowed for land to be used with permission on an annual basis but discouraged the establishment of permanent structures or permanent crops.

By 1931, the population involved in agriculture declined to 12 percent. No explanation has been given for this decline. However, available data for 1943 suggests that as much as 51,000 acres of land was under cultivation, and half of that amount was classified as pastureland. Disaggregated data on land use in 1946 shows that of all the landholdings accounted for at that time, 57% was less than 5 acres, 85% less than 10 acres, and 98% less than 50 acres. While “the median size of all holdings (recorded) were 4.3 acres, only 3 were 500 acres or more.”²⁰ In contrast, by 1961 the data indicates the trend had definitely shifted in favour of large-sized plots for particular groups that the colonial masters favoured. In that year, 40% of agricultural holdings averaged 5 acres or less compared to 62% that averaged 10 acres or less. By 1974, landholdings less than 5 acres averaged 33.5% compared to between 5 and 10 acres that averaged 14.9%. At the same time, landholdings of 50 to 100 acres rose to 7.4%. This trend peaked in 1984 when landholdings of more than 50 acres accounted for 17% of the total landholdings compared to 32.1% that averaged less than 5 acres.²¹

5. LAND MANAGEMENT AND ADMINISTRATION IN POST INDEPENDENCE BELIZE

5.1 The Further Evolution of the Legal Framework

In response to the shortcomings of the common law conveyance and the Torrens system in Belize, the Registered Land Act (RLA) was introduced in 1977. The Registered Land Act had the effect of simplifying both the law and procedure relating to land. The efficacy of this particular regulation was further enhanced by the introduction of the Strata Titles Act in 1990 and the Land Adjudication Act in 1992. The Land Adjudication Act assists in the clarification of land rights in the case of competing claims and is necessary for efficient and effective land registration system. The Strata Titles Act provides for the registration and issuance of titles over “flying Subdivisions” such as high rises and condominiums.

By the period immediately following independence, some types of land tenure systems (including the location tickets and agricultural reserves) had been discontinued, and leases and outright purchases of national land predominated. At the same time, the volume of private land sales had increased significantly. This increased activity inspired the decision in 1981 to introduce the Land Utilization Act (LUA). The primary purpose of the Act was to ensure the best use of land and to reduce or prevent fragmentation and under utilization.²²

The responsibilities under the Act were carried by the vetting of subdivisions and provision of recommendations for approval of planned subdivisions to the Minister responsible for lands. Through its various amendments, the efficacy of the Act rests on considerations of physical features and environmental and

mitigation factors as enshrined in the membership of the Land Utilization and Subdivision Authority provided for therein and charged with scrutinizing plans submitted and making recommendations to the Minister with respect to approval.

The management of national lands (government owned lands excluding forest reserves and national parks) was transformed through the passage of the National Lands Act (NLA) in 1992, which repealed and replaced the Crown Lands Act (CLA). The NLA established the land advisory committee to provide the Minister responsible for land advice on general policy issues relating to lands, and made provisions for a new regime in which recommendations for the disposal of national land may be made by local lands committees. There is no provision in the NLA for location tickets, free grants or reserves (except that those reserves created under the CLA were preserved by virtue of the fact that rules made under the CLA were saved). Both the CLA and the NLA have been instrumental in making land more accessible to the general populace. National lands are sold at rates that are well below the market value and so made land more affordable to the general public. With the repeal of the Alien Landholding Act in March 2001, the National Lands Act was amended to require an “alien” to first obtain a license from the Minister responsible for lands before he/she can hold an interest in national lands for acreages in excess of an aggregate of 10 acres in rural areas and ¼ acre in urban areas.

5.2 The Evolution of Institutional Arrangements for Land Administration

In order to cope with the more rapid changes that were taking place at the time, the Lands (established 1968) and Surveys (established 1862) departments were fused in 1977 into one Department. Later that same year, the National Estate Unit and the Land Registry were established. The former was designed to manage lands referred to as the National estate. The National Estate by 1982 had amounted to 3.3 million acres and fell into the following categories:

- Land available for alienation
- Land not ordinarily alienable included forest reserves, archaeological reserves, national parks and land for public utilities
- Unalienable Land included public commons, cemeteries, thoroughfares – roadways and waterways, internal waters and territorial seas²³

The Land Registry, on the other hand, was introduced in order to simplify the new system of land registration according to the substantive land law. In particular, the Registry maintains records of transactions based on the identification of unique parcels of land, so that all information on ownership and transactions for a particular parcel, including mutations, are located in a single register.

In April of 1991, the posts of District Lands and Surveys Officers were established. The aim was to enhance the coordination of activities between the

Districts sub-offices and Headquarters on one hand, and to provide improved services in the Districts as well as to the general public on the other hand. At the same time, in November of 1991, the Valuation Department of the Ministry of Local Government was transferred to the Department of Lands and Surveys. The latter Department thus became responsible for the preparation of tax rolls for both urban and rural areas.

In June 1992, the Land Information Centre (LIC) was established to serve as the databank for land information in Belize and to provide policy and decision makers in government and other agencies with standardized-up-to-date information. The LIC had/has three sections:

- The Geographic Information System (GIS), which handles information on land resources, land use/cover and environment as an aid to planning, management and monitoring activities
- The Land Information System (LIS), which is still under construction, when completed, will handle land records and cadastral data. This will in effect computerize many of the activities of the Lands and Survey Department. Suffice to mention that, at present, there is no single directory or index of all properties in Belize.
- The Conservation and Environmental Data System (CEDS) is still in its infancy but when completed will formalize and coordinate environmental data gathering in Belize. The CEDS will form a network of data gathering groups and ensure open data exchange between them.

In 1993, the Physical Planning Section was established to facilitate the following: urban and rural planning, land subdivision, licensing (piers, land reclamation and creation, alien landholding) and land use zoning. The role of the Section has also witnessed some changes, one of which is the new responsibility for the production of a comprehensive national land use plan.

In 1999, The Land Titles Unit, formerly a part of the General Registry (attorney General's Ministry) became part of the Land Registry. As a result, the Department virtually became a one-stop shop for dealing with all land related transactions.

The Current Institutional Framework for Land Management and Administration

It should be noted that the period before and immediately after independence witnessed several attempts to influence or change the pattern of landownership through the passage of laws to regulate land acquisition and speculation by foreigners. What took place in this era has been a combination of further distribution of national lands including those private lands acquired by the national estate and a shift away from large-scale landholdings towards small-scale landholdings. Another notable feature in land tenure after independence was the

rise of plantation agriculture, which in turn, gave rise to mixed landholdings. Small-farmer landholdings ran hand-in-hand with big company-landholdings. The period also witnessed a decline in land purchase and acquisition by government and a steady increase in leasehold. Despite these attempts, by 1986 85% of private landowners accounted for 4% of freehold lands compared to 3% of landowners accounting for 90% of the freehold land.²⁴ In fact, in the following years, government's land acquisition scheme declined to a negligible number and by 1987, it was only able to acquire 537 acres of land.²⁵

Amidst the ongoing measures taken toward decentralization, the Lands and Surveys Department continues to play a pivotal role in the national management and administration landscape. Since the inception of the Department and through its evolution prior to 1992, its main thrust had been land management. The execution of this role, moreover, was decentralized only to the extent that there were district offices for the delivery of the services related to national land and particularly limited to the receipt of applications for leases or purchase of national lands.

The structure of the Department today has been redefined to emphasize the increased emphasis on planning and information processing, management and dissemination. In fact, the introduction of the Land Information and the Physical Planning activities in 1993 represented the start of a move to complement the land management activities with land administration services. As its role expanded, the Physical Planning section's responsibilities of informing both public and private decision makers on the best use of land became accentuated. The Land Information Centre, on the other hand, was intended to disseminate information critical to decision making, including public policy formulation. The Centre was premised on decentralization, and an instrument for data and information sharing was designed and implemented to accommodate this. However, for reasons that are yet to be fully determined, the application of GIS solutions has not been fully maximised within the Ministry nor have the capacities grown at a sufficiently rapid pace to meet public demand since 1993.

It is notable that the redefinition of the Department's structure, pursued through interactive strategic planning processes, has been articulated along with the Department's recently formulated Mission, which is:

"The Lands and Surveys Department is committed to efficiently manage the processes of determining, recording and disseminating information about ownership, value, measurement, and highest and best use of land for the socio-economic benefit and sustainable development of Belize"

The most important aspect of this mission, defined in 2001, is that it points squarely in the direction of improving land administration as opposed to the Department's traditional role of managing national lands and recording transactions in private lands.

5.3.1 Valuation and Taxation

While discussion of the establishment of the land information and physical planning capacities always incorporated debate on the modalities for decentralization, there has been effective decentralization in the areas of taxation and valuation. The valuation and taxation activities as currently applied are primarily aimed at revenue generation, but of late there is recognition of the need to better utilize taxation as a tool to support land use planning. There is a multi-faceted relationship between land tenure and valuation of land. Furthermore, there are two sets of land taxation authorities, namely the National (through the Lands and Surveys Department) and the municipal or local (city and town councils) authorities. This is a manifestation of the effective decentralization of valuation and taxation.

At present the Lands and Surveys Department administers taxation at the national level through the Land Tax Act, which applies to all lands outside the boundaries of towns and cities. Taxes levied on these lands are based on the unimproved value system. The local authorities on the other hand administer the Towns Property Tax Act, applied to all lands within the boundaries of the towns and cities.²⁶ The tax system for local authorities, with the exception of the Belmopan City Council, is a rating system based on the annual values of properties. The property tax for lands within Belmopan is based on the unimproved value system.

The rate of tax for all rural lands is 1% of the unimproved value. This rate is stipulated in the Land Tax Act. Revision of the valuation rolls is done on a triennial basis and the act makes provision for owner participation. Prior to revision all landowners are so informed by notices in the gazette and the local newspapers, and landowners are required to file and return to the Chief Valuer. The information supplied by the landowner, together with other comparable data, is used to determine values.

Other valuation methods are employed when estimating values for other purposes. The Valuation Section is required to advise on values for compensation, sale, estate duty and other purposes. Values established for the sale of leased lands are not based on market values but rather by prices determined by policy that usually requires the approval of the Minister responsible for lands.

6. TOWARD OPTIMISING THE TRIO OF LAND POLICY IMPERATIVES

6.1 Access and Distribution

While the system prior to the 1930s did not favour the outright distribution of land, improved access to land for housing and production was attempted through the Reservation system. By the 1930s, the term “Reserves” had come to denote:

- Lands reserved for specific ethnic groups.
- Agricultural Reserves.
- Forest Reserves.

Special reservations were created for the Maya and Carib (Garinagu) populations in the Toledo and Stann Creek Districts. After the process of reservation of lands for use by the Maya was completed, some 70,300 acres in the Toledo District had been declared.²⁷ However, it appears that not many Maya Indians were predisposed to the idea of the so-called Indian reserves as many refused to relocate to them.²⁸ Nevertheless, between 1935 and 1954, a total of 217,000 acres of land had been declared “Indian Reserves” while 99,000 acres declared agricultural reserves and 600,000 acres designated forest reserves. A report of a land survey carried out by a team of Imperial College of Tropical Agriculture, Trinidad, during 1952 to 1954 revealed that 2,420,000 acres of the country’s 5,674,800 acres of land was privately held and that the remainder national land.²⁹

Another major characteristic of land tenure in this period was the increasing sale of land for speculation, with North Americans dominating the market (a situation that persists to date). As a result, the price of land witnessed a dramatic upward movement. This had the two-fold effect of encouraging the increasing sale of family land among Creole Belizeans (a condition that persists to date), and imposing a market barrier to a large segment of the population. Another aspect of land policy in the 1960s and 1970s was the vacillation between the promotion of agriculture and forestry. The emerging land use policy during this period was inextricably tied to the nature and character of agricultural production: small-scale food crop (“plantations” as they are called in Belize) agriculture *vis-à-vis* large-scale commercial cash crop (banana, sugar and citrus) agriculture.

In addition to this particular issue of access, the existing land tenure system had failed to meet the sugar requirements of the country as it approached independence from Britain. One solution to the problem lay in a progressive policy of land acquisition by government from private landowners and redistribution among small-scale cane farmers. At the centre of this change were the issue of labour supply and the question of whether or not an expanding agriculture will be able to compete with forestry. The first answer to this question, as it turned out, lay in the fortunes of the forest industry, which took a turn for the worse. Agriculture therefore became the main determinant of land

use policy in Belize. The second answer came by way of Tate and Lyle's divestment as a major player in the sugarcane cultivation in the 1960s and 1970s, which began with the sale of landholdings to small-scale cane farmers and soon followed with a program of sale of controlling shares in the sugar cane industry. The full impact of these measures on land tenure, particularly in the northern districts, is yet to be determined.

In 1971, the skewed nature of land distribution was evident by the fact that 3% of landowners nationwide held 95% of land compared to 91% of landowners who held 1% of land. This formed the rationale for a major effort at redistribution in the 1970s and onwards, mainly through the application of the Land Acquisition (Public Purposes) Act (LAPPA) as a facilitating instrument.³⁰ The application of the LAPPA in this regard was further propelled by the fact that other legislations such as the Land Reform (Security of Tenure) Ordinance of 1962, the Land Tax (Rural Land Utilization) Ordinance of 1966, the Land Tax (Amendment) Ordinance of 1971, and the Aliens Landholding Ordinance of 1973, all failed to encourage the use of idle rural land, increase revenue, or effect a transfer of landownership from foreigners to local citizens. Reflecting on the period, J. V. Hyde notes,

“After the Land Reform Security of Tenure Act was passed, we soon realized that it was hopeless against the tide of investors that were coming. The Act required a lot of work. The Land Reform Security of Tenure Act, was not as helpful as we had hoped it would (be). The reason for that is that it relied on the tenant himself to protect himself, and most of those people were not educated enough to invoke the provision. There was no Public Relation Activity to inform them what the act was and how they could use it. So we started to use the Compulsory Acquisition Act (LAPPA). The Act carried with it a big stick...”

This novel application of the Land Acquisition Act, as described by Hyde, allowed for the articulation and pursuit of “the Land Reform Programme” over the period 1968 -1977. Hyde evaluates this programme as being “absolutely complete”, since it led to a significant number of persons throughout every district securing tenure to lands they were utilising. As Hyde describes the events, the land reform programme became the lynchpin of the Peoples United Party's political strategy in the rural areas and thus effectively countered the United Democratic Party's urban focus. It was not until 1979 that a key strategist within the United Democratic Party recognized the issue and promoted a programme later adopted (in the 1985-1989 term) to “Give Every Belizean a Piece of Land.” This was to mark the beginning a significant upward pressure in the demand for land by the populace.³¹

These events suggest that the Land Acquisition Act had arguably the greatest impact on making lands available and accessible to a large number of Belizeans. Through the process of acquisition for public purposes -- which continues up to this date, though at a far less intense pace -- land has been reposessed by the state

and redistributed in many areas of Belize. In the past, for instance, Ambergris Caye was owned first solely by one person and then by a handful. With Government acquisitions from individuals such as Roger Reid, Blake, *et al*, Witte and Witte, and Pinkerton Estate, land has been made available for ordinary Belizeans on the island. There are other notable examples of redistribution in most urban areas of Belize where Government had to buy large tracts of land from individuals and/or estates. Among the most notable are the Schofield Estate (which included all of Corozal Town in northern Belize), Dr George Estate and Louisiana Farms (which included all of Orange Walk Town in northern Belize).

Notwithstanding minor revisions along the way, the LAPPa did not undergo major revisions until 1992. This followed a constitutional challenge mounted by the San Jose Farmers Cooperative.³² In the September 1991 ruling on the case, the Belize Court of Appeal held that the LAPPa had to be modified to bring it in conformity with the Belize Constitution. Since then issues regarding land acquisition have been raised mainly with respect to payment as opposed to constitutionality.

Inasmuch as efforts were made to address the issue of access, the need for further initiatives in this regard may be indicative in the incidences of squatting, which has become a major problem for both the Government of Belize and some landlords. The issue is not in the number of people and size of land involved but in the locations that such incidences are occurring. Land claims through squatting are based on the length of occupation of such parcels of land and in some cases on the informal arrangements made between the two parties, or lack of arrangements made between the squatters and the absentee landlords of such lands in question. For the most part, large settlements of former refugees from Central America have grown up in various parts of Belize (predominantly in the rural areas) or along highways without the benefit of formal records. Suffice to mention that, in some cases (for example Las Flores in Belmopan) however, lots have been issued to refugees at the insistence of the United Nations Refugees Commission. It must be mentioned here also that the practice of squatting was the manner of access left to citizens and residents of Central Belize, and that, among other areas in the country, this need resulted in cases of villages “settled” on private land which are being addressed even to date.

6.2 Equity Issues in the Distribution of Land

Many of the attempts at improving equity have been through the redistribution of land (acquired for public purpose) from individual owners to multiple landholders, as detailed above. There have also been equity concerns raised with respect to gender. In this regard, the most significant advance has been the recent amendment to the laws,³³ at the behest of the Ministry of Human Development, so that women who have been involved in common-law unions for a continuous period of at least five years have rights to a claim on property of their common-law spouses. The impact of this amendment on land distribution will depend on the extent of public relations and dissemination effected in the near future.

Another equity issue, poverty, is somewhat provided for by the indigence provision in the Land Tax Act.³⁴ However, the perennial issue of ensuring access for the least advantaged, particularly as the land market development intensifies, is yet to be fully resolved. Where the concept of Family Land is concerned, this exists in principle only as there is no specific Legislation that deals with Family Land issues. According to ministry officials, “a person or a family sees the land as family land but it is in the name of only one person. When the person dies then you have a struggle between family members including “sweethearts” ... usually he who ends up getting a grant of administration ends up with the land in question.”³⁵

6.3 The Changing Role of the State

During the crown colonial period (1871-1964), the state had become the mediator of land distribution in Belize, influencing land policies including access and equity in terms of distribution. At the same time, the state functioned as a facilitator and a competitor with private landowners for two reasons. First was the financial reward from land sales, and second was the political power accruing from landownership. In fact, the state over this period increased their land holdings from 320,000 to 2.2 million acres.

Another factor affecting the distribution of land in Belize during the Crown colonial era was the transition from forestry to plantation agriculture. The slavery era witnessed minor changes in land ownership – forestry – whether logwood or mahogany – only served to consolidate landownership in the hands of white slave masters. However, the introduction of banana, citrus and sugar plantations during the crown colonial era changed the land tenure system. The exit of the former slave owners introduced the phenomenon of absentee landlordism in Belize. In order to attract major investment in plantation agriculture, the Crown Colony mediated by providing incentives such as cheaper fees and low land tax to foreign investors and speculators. The racist nature of land policy in the second half of the 19th century was most evident in the fee structure charged by the Colonial government. Whereas locals were being denied access to land through various policies including high fees and taxes, the same government was offering white prospective investors lower fees for choice lands. In fact, it is noteworthy that towards the end of the 19th century the Crown Colony gave a grant to the United Fruit Company to construct a railway line between Commerce Bight and Middlesex beside the sale of 7,538 acres of Stann Creek Valley land to the company at one dollar per acre (20% of the market value)}.

Thus, the state transited from playing a passive role as formulator of land policy to one of instigator of change in land policy. Notwithstanding government efforts towards the encouragement of foreign investors, little attention was paid to the local citizens of the country who remained landless and could only gain access to a piece of land through the *rentier* system (in the North) or through squatting in

the Central Areas and land reserves in the South. Over 75% of the productive land still remained in the hands of a few rich private owners who by and large controlled the executive and the legislative councils of the Crown Colony. Suffice to note that the uneven distribution of private land ownership has continued to affect the private land market activity today.

The picture that emerges is a land policy that sought to consolidate white (the largest landowners) control over all private landholdings in Belize. Those classified as coloured followed with smaller landholdings and the rest of the population remained landless for much of that period with the Maya-Mestizo renting private lands in the north for their sugar production. Some scholars have described the situation in the north as similar to the *Hacienda* or *Latifundia* system.³⁶

Starting with the Land Reform Programme of the 1968-1977 period and further marked by the entitlement to “a piece of land for every citizen,” through to the current commitments to access, each successive government (after the self government and through the post independence eras to-date) made the issue of land redistribution the stated cornerstone of their development strategy. So far, however, the extent to which these commitments were addressed has been sporadic and mostly demand-driven, and governments have not been able to effectively translate the pre-election pledges into a cohesive policy framework, even while responding to the pressure to deliver.

6.4 Land Market Development

Government’s efforts at redistribution and the tool utilized—the Land Acquisition Act—has had a significant effect on the state of the land market, and in the estimation of many practitioners, has affected the dynamism. Yet the intervention, as discussed above, has been critical to the issue of equity. A comparison of the rates of prices for land bought from the public sector vis-à-vis lands sold by private sector agents and individuals is the clearest indicator. Evidence shows that an average lot is sold on the private sector (secondary) market for anywhere five (5) to seven (7) times the value of an equivalent size lot sold by the Government of Belize. The result of this discrepancy is a continued demand for land from the national estate, even in instances where clients are not first time buyers or low-income earners. The effect of the government intervention, a historical perspective on the redistribution efforts, and an acknowledgement of the need for access to the disadvantaged, all point to the need for a comprehensive pricing policy.

In addition to the dampening effect of the lack of a comprehensive pricing policy on the dynamism of the land market, there is evidence of a parallel market, where the secondary sale of land operates very much at an international level. Due to the reticence of the real estate agents, the extent of trade and aggregate value of this market has been difficult to ascertain. However, recent entrance of reputable

companies such as Century 21 and REMAX suggest that this market continues to grow. Furthermore, this growth has outpaced the regulatory regimes, particularly as it relates to investor protection.

In terms of the level of development, the land market in Belize had been largely characterized by the sale of unimproved land up until the 1970s. This trend was significantly affected by the fact that just prior to Belize's independence in 1981, a private investor began a string of land reclamation, canalisation and property development in Belize City and the Greater Belize City (suburban areas surrounding Belize City). It was the first instance of planned subdivision by private developers with investment in physical infrastructure preceding the sale of parcels. Other investors followed after independence and by the end of the 1980's the boom in private land markets became a new phenomenon.³⁷

Where the public sector was concerned, the practice of planned subdivisions has traditionally been undertaken in response to disasters, and so are best understood as resettlement programmes.³⁸ During the last administrative term of office (1998-2003) however, government embarked on a deliberate policy of investing in planned subdivisions, complete with streets and drains, houses and utility infrastructure, prior to first issue. At the same time there were similar initiatives undertaken by the private sector. The result of these combined initiatives has been the establishment at least one (and sometimes several) housing scheme(s) in at least four of the six administrative districts.

6.5 International Environmental Initiatives and National Land Policy Development

The increase in the number of planned subdivisions countrywide points to another important issue in land policy, namely the nexus of land market development and environmental protection. As is the case with many other countries, 1992 was a watershed year for Belize. It was during that year that the Department of the Environment was established, facilitated by the introduction of the Environmental Protection Act. Furthermore, Belize participated fully in the United Nations Conference on Environment and Development (UNCED) held that year. From the perspective of land administration and management, a significant outcome of the Rio Summit, as UNCED became widely known, was the incorporation of a section on Conservation and Management of Resources for Development within Agenda 21. The importance of land management and administration to the matter of conservation and resource management is underscored by the fact that this section started at Chapter 9 and the chapter entitled "Integrated Approach to the Planning and Management of Land Resources" was placed at 10. The major objective cited in Chapter 10 was "to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources" with the following specific targets identified:

- To review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996;
- To improve and strengthen planning, management and evaluation systems for land and land resources, by not later than 2000;
- To strengthen institutions and coordinating mechanisms for land and land resources, by not later than 1998;
- To create mechanisms to facilitate the active involvement and participation of all concerned, particularly communities and people at the local level, in decision-making on land use and management, by not later than 1996.

Notwithstanding these global commitments, the activities of the Department over the next few years were less focused on sustainable development and the implementation of Agenda 21 than its counterparts, the Forest Department and the Department of the Environment. Perhaps one contributing factor to this was the fact that at the outset, i.e. the Rio Summit itself, there were, in addition to the Rio Declaration and Agenda 21, the completion and signing of two conventions—the *Convention on Biological Diversity (CBD)* and the *Convention on the International Trade in Endangered Species (CITES)*. These allowed for easier articulation of projects and thus for significant support and opportunities for training and technology transfer in the forest and conservation areas. In addition, Belize's new Department of the Environment was located since the Rio Summit and up until 1998, within the Ministry of Tourism. It must have been relatively difficult to operate in full cognisance of Chapter 10 of the sustainable development agenda, without the support of a specific convention and without a more direct working relationship with the national caretakers of the Rio outcomes, the Department of the Environment. Furthermore, as with many other countries, there seemed to have been, up until recently, a general tendency to assume that the UNCED objectives were relevant more to the Department of the Environment than to any other Department or Ministry in the Social and Natural Resource Management arena.

6.5.1 Post UNCED: The Heightened Role of Conservation NGOs

The watershed nature of the 1992 events was reinforced by the heightened activity and involvement in natural resource management at the national level by local and international NGOs. This was marked by several significant milestones, including the transfer of large tract of lands to one local NGO for conservation purposes. This land was the result of a singular act of a sale of half a million acres of land by the Belize Estate and Produce Company (BEC) to a group of investors including Misher and Howell, and Minute Maid, a subsidiary of Coca Cola Corporation in 1985. The transfer from this consortium to the local NGO was the final result of strident opposition to the corporations' plans to engage in large scale citrus production in Belize.

In addition to this milestone event, there were various projects executed which involved NGOs either as direct beneficiaries and implementing agencies, or as

partners with the Government of Belize as implementing agencies. Foremost among these were the Natural Resources Management and Protection Project (NARMAP) and the Forest Planning and Management Project (FPMP). These projects started in 1993 and ended in 1996 (NARMAP) and 1998 (FPMP). The NARMAP was a broad based natural resource management project financed by the USAID and involving the World Wildlife Fund (WWF) and Winrock International as in-country executing agency. The FPMP on the other hand was financed by the United Kingdom Overseas Development Agency, and was aimed at supporting improvement in the planning and management of national forests.

While the impact on the counter-parting line Ministries involved was varied, and sometimes altogether muted,³⁹ the NARMAP by the end of the project life had served as a rallying point for local Non-government Organizations and also as a catalyst for a number of significant initiatives. These included the establishment of key sectors/programmes within the counter-parting line Ministries (Tourism and Environment, Natural Resources and Agriculture), as well as the biodiversity/conservation institutions such as the Protected Areas Conservation Trust (PACT) established in 1996 and the Coastal Zone Management Authority and Institute established in 1998.

Two more significant factors to be noted during the post-UNCED period in Belize, and coinciding with the high level of activities of the NARMAP and the FPMP projects, were: (1) the proliferation of local non-government organizations and (2) the quantum of environmental conventions signed by Belize (totalling about twenty-one). While the Department with the responsibility for land management and administration appeared to be peripheral to these events, the change in the national landscape that resulted continues to have a direct impact on the services demanded. In particular, the Department is called to task often by environmental NGOs, which have a clear mandate and mission aimed at conservation in the name of sustainable development.

6.5.2 Biodiversity Management and Protected Areas

Because of the Convention on Biological Diversity, as well as the heightened activities, following UNCED, of biodiversity oriented non-Government organizations within Belize, the period immediately after the Summit saw a significant increase in the quantum⁴⁰ of Forested area designated as protected areas. Protected areas are officially designated areas set aside by Government for the preservation and protection of highly important natural and cultural features for the regulation of the scientific, educational and recreational purposes. Protected areas status includes designations as Forest Reserves, National Parks, Wildlife Sanctuaries, Nature Reserves, Archaeological Reserves, Marine Reserves, Private Reserves and Natural Monuments. Protected Areas currently comprise a total of 45.5%⁴¹ of the land of Belize and are backed by the following Legislations: the Forests Act, the Fisheries Act, the National Parks System Act, Private Forests Act, and the Ancient Monument and Antiquities Act.

Whereas some of these acts do not directly have an impact on land distribution and access, they have been beneficial in ensuring that a large percentage of land resource in Belize is in some form of protected status. This lends significantly to Government's attempt to protect and manage flora, fauna and critical watersheds, and in many cases oversight has been executed with the support of the environmental Non-Governmental Organizations. However, there have been some occasions where government has had to de-reserve portions of the forest reserves to make land available to the general populace.

7. TARGETED INTERVENTIONS IN SUPPORT OF LAND ADMINISTRATION

The evolution of the department, along with the existence of the Land Titles Unit (originally at the General Registry) and the intermittent development of the various land related laws under which the authorities operate, all translate to a multiplicity of methods for the facilitation and recording of land transactions -- sales and gifts, mortgages and other charges.

There are currently four titling systems in operation: Fiats, Common Law Conveyance, Certificate of title (Torrens), and Land Registration. The National Lands Act governs the first, whilst the General Registry Act and Law of Property Act govern the second and third. The Registered Land Act (RLA) governs the Land Registration system. Lands registered under the RLA are guaranteed by the State and parcels are uniquely identified. With the recent move of the Land Titles Unit and the initiation of the Land Management Programme activities (to be discussed below), this coexistence of multiple regimes is currently being aggressively addressed. The ultimate aim of the Department includes bringing the entire country under a unified land registration system in order to eliminate the existing multiple one.

Through the latter initiative, the RLA regime, being the most reliable registration system in Belize, is presently replacing the older Common Law Conveyance and Certificates of Title. While the RLA is not having a direct impact on the distribution of land and/or access to land, it is also facilitating faster and more reliable land transactions. This is because common law conveyance requires a research into the root of a title tracing backwards for at least 30 years, whereas, in the case of registered land (since the register is always current, reflecting ownership and encumbrances), searches are quicker and easier.⁴²

7.1 The Land Administration Project

In 1997, the Land Administration Project (LAP) was initiated with the primary purpose of automating the land administration processes and records of various divisions of the Lands and Surveys Department, as well as piloting the survey, adjudication and declaration of some 10 areas throughout three Districts in Belize.⁴³ The project resulted in the installation of a Land Administration System, an integration of five sub-systems -- Land Revenue, Cashier, Registry, National Estate

and Valuation. These subsystems capture the processing of applications for land leases and land purchase (National Estate), payment of land taxes, leases and of non-land related services and fees such as mining fees and royalties (Cashier), changes in land ownership effected through transfers of private property located in undeclared areas and valuation of lands in all areas outside of cities and towns (Valuation), and recording of ownership, charges, transfers, cautions and any other relevant transaction in lands within declared areas (Registry). The system was designed to work as a wide-area network utilizing dial-up connections from the six districts to the Central database in Belmopan.

In addition to the computerized system, the project yielded significant achievement in adjudicating, surveying of property for demarcation, defining and declaring areas under the Registered Lands Act. The preparation also included completion of Auto-Cad map files, Compilation Maps and Registry Index Maps. By the end of the project in 2001, some 3,697 parcels of land in the Orange Walk, Cayo and Stann Creek Districts had been registered under the RLA as included in eight (8) newly declared areas. The project outputs form the foundation for further development both within the Department's routine business process as well as through the follow up Land Management Programme initiated in 2002.

7.2 The Land Management Programme

The preparatory work for the Land Management Programme began in 1999/2000, with negotiations executed in 2001 and start-up in March of 2002. The programme was declared eligible for disbursement in July of 2002. The Programme has been financed by a loan of US\$7.0 mn from the IDB with Government of Belize counterpart input of \$1.86 mn. The objectives of the programme are to:

- **expand land adjudication and registration activities country-wide** to become a systematic land tenure clarification program accompanied by **consolidation into a single Land Registry.**

This component includes land tenure clarification and property rights registration of an estimated 15,000 rural parcels (50% of rural parcels to be registered) in three districts and additional surveying and cadastral mapping of 5,000 parcels. The districts will be selected on an annual basis according to eligibility criteria (i) demonstrating a streamlined approach to surveying of 21,300 urban parcels in four urban areas including Belize City and (ii) supporting a two-tier public awareness and monitoring campaign tailored to Belize's multi-cultural context.

- **improve the efficiency and sustainability of land administration services** provided by the public sector;

This component includes the objectives of (i) Consolidation of 3,000 land registration records into a single Land Registry, (ii) improving land valuation and taxation processes, (iii) developing a national parcel-based land information system, and (iv) strengthening of MNREI units providing land administration services.

- **build capacity for land use planning at the local, regional and national levels;**

This component is intended to improve public sector capacity to plan for, review, and monitor land use changes, including development proposals, through (i) development of a decentralized national land use planning framework, and (ii) preparation of local land use plans and delineation of village boundaries.

- **support national land policy reform.**

This component is aimed at (i) supporting the National Land Advisory Committee and (ii) achieving the complementary institutional strengthening of MNREI to implement the reforms and monitor their impact

The specific targets indicative of success of the Land Management Programme and intending to ensure that the intended transformation in the business process and thus in efficiency and transparency are achieved have been set at:

- **clarification and registration** of definitive rights to land for **15,000 rural and 500 urban parcels** in three districts.
- **surveying and declaration of registration areas** encompassing an additional **5,000 rural and 20,800 urban parcels;**
- **consolidation of 3,000 title documents** into the **Land Registry;**
- **expansion of land administration services** to the public at the six district offices;
- **efficiency gains of 35% and 30%** respectively in actual land revenues and transaction volumes;
- **improved access to land information records** and other products for use by local government, the private sector and others;
- **approval of at least three (3) local land use plans** and **delineation of at least 80 village boundaries;**
- **dissemination of the findings of the National Land Advisory Committee.**

A critical aspect of the execution of the Land Management Programme, as with any other project, is the joint understanding of the objectives and the joint pursuit of the changes required by both the project monitoring unit and the mainstream ministries as executing agencies. There are critical elements in the design of the Land Management Programme and in the manner of execution currently being pursued that are intended to yield the desired results in this regard. In the first instance, the programme is overseen by a Programme Coordinating Committee that includes members from the Lands and Surveys Department as well as each of the following departments within the Ministry that share a responsibility for Natural Resource Management: Forest, Environment and Geology and Petroleum. In addition, the committee includes the Chief Executive Officer (or his/her representative) of the Ministries of Agriculture and of Rural Development.

In terms of the manner of execution, the Lands and Surveys Department, as the front line executing agency, participates actively in execution on a daily basis. Review committees for tenders include Department Staff, and counterpart financing includes the special assignment of Department Staff located both within the Project Unit and the Department and dedicated to ensuring that the project tasks are completed within schedule and standards. The intent of this aspect of the programme execution is to ensure institutional strengthening and thus the sustainability of programme outputs. The programme targets will significantly increase the quantum of registered lands, the level of automated business processes, and the extent of incorporation of geographic information and mapping software applications.

8. ISSUES IN MODERNIZING LAND ADMINISTRATION

8.1 Land Information, Land Use and Physical Planning

As the demand for land and the pace of land market development increases, and as the modalities applied to land management by both the public and private sector transforms, the issue of information management and dissemination, and of planning and policy formulation, become more pronounced.

The support of the Land Management Programme with respect to institutional strengthening and support of land use planning is intended to further propel the improvements required in the national structure for physical planning and development. Two of the programme outputs—the areas declared for registration and the transformed records for lands therein and the improved automated system for the management of land transactions and records—are critical inputs for the other programme activities, particularly the application of the full range of Geographic Information System tools to inform policy.

The Land Management Programme is also expected to contribute to critical parameters for physical planning. A critical component of is being implemented already—the formulation of a framework for a National Land Use Plan. Furthermore, whilst the Land Advisory Council had already been appointed prior to implementation of the programme, the component allowing for the support of the NLAC activities has already resulted in an improvement in the operation of the NLAC.

8.2 Policy Coordination and Institutional Strengthening

The Department with the primary responsibility for land management and administration is placed within the Ministry of Natural Resources. Moreover, the composition of the Ministry at present is such that other Ministry departments -- Environment, Forestry and Geology and Petroleum -- carryout other critical natural resource management portfolios. In order to come to terms with the evolved

landscape and the increased demands for reliable support in land use planning, in the dissemination of land information, and in the provision of sound policy advice both within the Ministry and Central Government as well as within the wider national territory, the Ministry of Natural Resources has given increased attention over the past four years to the issue of policy coordination and institutional strengthening.

Institutional strengthening and strategic planning processes have highlighted the challenge of coordinating Departments with distinct roles in land and other natural resource management, and have helped to highlight the solutions to the challenge of increasing demands on the institutional services by the general populace. In response to the issues identified in this regard, special attention is being paid currently to the provision of support to all departments in the area of legal services, information technology, public relations, human resource management and financial administration. These measures at the centre are critical to the effective execution of the portfolio objectives for the Lands and Surveys and other Departments.

9. CONCLUSIONS AND RECOMMENDATIONS

Land management in Belize is characterized by a parallel structure. On one hand is the continued role of the state as regulator, manager, and distributor of national estate. On the other hand is the measure of freedom which land owners enjoy, whether as individual or corporate bodies. The use of lands acquired (*ex gratis*) from the state and sale of same, by both individuals and corporate bodies, at market prices is the foundation of property market in Belize. While the Government of Belize has continued to pursue an aggressive policy of land acquisition of private lands (either due to forfeiture or in lieu of taxes) for public use and general distribution, the rise of the secondary land market (which is still evolving) can no longer be ignored.⁴⁴

Land administration (still evolving) in Belize on the other hand, involves the processes of collecting and recording information on land transactions. Belize has a long history of recording ownership records, dating as far back as 1931, when the General Registry Act was put in place, and its amendments in 1977 under the Land Registration Act. The LRA provides for the declaration of compulsory registration areas identified on a large scale Registry Index Maps (RIMs). The LRA is essentially a property registration statute with a properties displayed and identified according to an official RIM. There are currently 43,000 parcels registered under LRA.⁴⁵

General Registry ownership records on the other hand, include the Torrens type certificates of titling including both first registration certificates and certificates issued under transfer from an existing title. These can be accessed on an individual basis using a manual search based on owners' names. Beside, such information is also used for updating the database as well as determining issues of valuation and taxation. By 2001, the system had an estimated total of 50,000 parcels still active in the GR records including 20,000 urban parcels and an estimated 30,000 rural parcels outside of designated areas.⁴⁶ The observation in Belisle, that "land is the source of all material wealth. From it we get everything that we use or value, whether it be

food, clothing, fuel, shelter, metal, or precious stones. The availability of land is the key to human existence, and its distribution and use are of vital importance. Land records, therefore, are of great concern to all governments⁴⁷ can no longer be taken for granted.

At present, dissemination of information about records of ownership, use and value of land is yet to be fully developed. The understaffing situation at the Lands and Surveys Department added with a slow process of transfer of technology and expertise posed serious challenges to prior efforts to modernize the system.⁴⁸ The initiatives under the Land Management Programme, combined with the concurrent developments in information technology and efforts at institutional strengthening, are expected to lend to the expansion and transformation of the Lands and Surveys Department. When completed, these initiatives will transform not only the land information system, but more importantly, the whole gamut of land and property market in Belize.⁴⁹

Tenure security and investments in the secondary land market (which is operating both in the formal and in the informal sectors of the national economy) are still beset with some levels of risks, since there is no pricing policy in place, and since such transactions are being carried on outside of the Ministry's purview. Suffice to note that the attention of land administrators is only drawn at the stage of transfer and registration. Despite these weaknesses, the secondary land market in Belize is very dynamic and the use of the information super highway has made it the more attractive and lucrative for both speculators and genuine investors within and outside the country. Above all, the government's official policy of land acquisition and distribution of same, among its citizens at below-market-value has made the Belizean property market all the more attractive. Hence, whereas the concern regarding access and equity are being proactively addressed by the GOB, the unintended consequence of this policy is the growth of the secondary property market without adequate enabling legislations. Thus the sale of land by individuals to foreigners who can afford the price for speculative purposes has in recent year's generated debate and resentment among born-Belizeans.

Regarding the sustainability of resource use, Belize is unrivalled in the region when it comes to the protection of land and water resources for the use of future generations. Currently, over 45% of the land area in Belize is in some form of protection, either as a Forest Reserve, National Park, Nature Reserve, Wildlife Sanctuary, National Monument, Archaeological Reserve or Marine Reserve. The complementary role of the growing number of internally and externally funded environmental NGO's is a clear testimony to the vibrancy of this very important sector of national development. As discussed in the main body of this text, there is a pressing need for the Lands and Surveys Department to engage more actively in this area, and to address this need through policy reorientation and regulations. The recent definition of the Department mission and vision speak in part to this.

Thus it is that the triangle of property rights imperative for Belize is characterized by significant efforts to achieve positive equity and sustainability in terms of access to land resources by all Belizeans and the protection of land and water resources for future generations. The challenge, where the trio of imperatives is concerned, is with

respect to dynamic property markets and security of tenure. The current programme of adjudication and registration, expansion of the registry and electronic data management system for land information and the strengthening of institutional capacity and land use planning (the LMP) is intended to address this weakness. The success in terms of institutional strengthening and planning will be key to ensuring the delicate balance in the trio, particularly where the issue of access, especially to the least advantaged, is concerned.

NOTES

¹ Barnes Limited 2001, p.3.

² Land Administration Project adjudication statistics, November 2000. Cited in *ibid*.

³ Property rights are protected by section 17 (1) of the Constitution. However, for the public interest land may be acquired (or resumed) by the Government pursuant to the provisions of the Land Acquisition (public Purposes) Act. This Act, which has its counterparts throughout the Commonwealth allows for the Government to compulsorily acquire land for public interests provided that compensation, at market value, is paid to the landowner.

⁴ Refer to ODA (1980), King et al (n.d), and Rai and Hyde (1995), for detailed discussions on impact assessments.

⁵ This was achieved mainly by claiming a portion of the land originating at the river bank and extending approximately one mile in-land.

⁶ The Location system (location ticket) allowed for use of land with a location ticket stipulating certain conditions. There were no time frames indicated, so that the access amounted to a tenancy at will of the crown. Access could be denied at any time on the grounds of non-fulfilment of conditions. On the other hand, the crown grant translated to absolute ownership.

⁷ Bolland & Shoman 1977, p.103.

⁸ Belize Refutes Guatemala's Claim.

⁹ The Truck system is the process whereby workers are forced to accept half of their wages in supplies from the employer's "commissary" at inflated prices. The Advance System was a form of debt peonage designed to trap the worker after emancipation in Belize. The employer paid in advance to the worker upon employment. Since this was done at Christmas time in Belize Town, the money advanced to the worker was expended even before he went to work in the camp.

¹⁰ Quoted in Barnett 1991, p.91.

¹¹ Quoted in *Ibid*. pp.93-94.

¹² *Ibid*. p.94.

¹³ *ibid*. p.95.

¹⁴ In 1839, the population of Belize comprised 163 whites, 809 coloureds, and 1974 blacks. The 1861 census enumerated 42 racial categories. Another thing to note is the fact that up until this time, there were no Maya Indians recorded as living in the Stann Creek District.

¹⁵ All figures discussed relating land use and sizes are derived from Barnett 1991.

¹⁶ Barnett, *Ibid*.

¹⁷ Notes on the History of Agriculture. SP 464. Belize Archives, Belmopan.

¹⁸ Barnett 1991, p.177.

¹⁹ Whilst Location Tickets were conditional holding amounting to no more than tenancy at will of the Crown, Leases were (are) issued subject to conditions regarding development which, once met, allows the lessee to apply to purchase and subsequently obtain a Fiat Grant. This was obtainable either subsequent to a purchase of Crown Land or as a "Free Grant", which meant that that the fee simple (absolute ownership)

was passed to the Grantee without the payment of a purchase price. Examples of Fee Grants included those issued to War Veterans for their war services

²⁰ *ibid.* p.182.

²¹ All figures for the period 1974 to 1985 are derived from the series of agricultural census conducted in Belize.

²² J. V. Hyde.

²³ Barnett 1991, p.125.

²⁴ Barnett 1991, p.122.

²⁵ *Ibid.*

²⁶ The Towns Property Tax Act came into force in 1960 and very little amendments have been made to it throughout the years. The Land Tax Act on the other hand, came into force in January of 1983.

²⁷ Belisle

²⁸ Refer to Carla Barnett 1991, pp.105-106.

²⁹ *Ibid.* pp.105-106.

³⁰ This Act (first introduced in 1947), allows for the acquisition of privately owned and [0]for stated public purposes. The determination of what constitutes public purposes is left to Ministerial discretion, subject to judicial review. It is to be noted, however, that there are several recognized and well accepted categories of what are deemed to be public purposes, including settlement schemes, resettlement of farmers and housing schemes.

³¹ Oral interview with J. V. (Jim) Hyde, Transcript with the MNREI

³² SAN JOSE FARMERS COOPERATIVE SOCIETY LTD VS. ATTORNEY GENERAL 3 BZLR 1

³³ Refer to Supreme Court Adjudicature Act

³⁴ The indigence provisions enshrined in section 30 of the “Land Tax Act”, Chapter 58 of the Laws of Belize 2000, reads as follows:

(1) Whenever it is brought to the notice of the Commissioner of Lands and Surveys that any owner of land is in indigent circumstances and unable to pay the tax or part thereof, the Commissioner of Lands and Surveys shall submit to the Minister a statement of the case in which he shall give the name of the owner of the land, the amount due from him for tax, a description of the land and any evidence of the poverty of the owner or his inability to pay the whole or part of the tax.

(2) The commissioner of Lands and Surveys shall submit such statement before any steps are taken to enforce payment of the tax and may make, or cause to be made, enquiries from the owner or any other person respecting the circumstances of the owner and may take the statement in writing in reference thereto.

(3) The Minister may institute such further enquiry as he considers necessary and remit the whole or part of the tax due or allow time for the payment or may make such other order as he thinks fit.

³⁵ Oral interview with key Ministry officials including the CEO, the Commissioner, and Deputy Commissioners (Land Use Planning) of Lands and Surveys and the Legal Counsel.

³⁶ Latifundia were large estates in which access to small portions of land were given to peasant farmers in exchange for a portion of output. Hacienda are economic units where all factors of production are organized to carry out a production activity.

³⁷ For a detailed discussion on the pioneering efforts of Javier Garcia and emergence of private land markets in Belize, refer to Joseph Iyo (1998) *An Oral History of Land, Property and Real Estate Development in Belize City (1961-1997)*. (Belize: The University College of Belize Press).

³⁸ Planned subdivisions or resettlements initiated by the Government of Belize included Corozal Town (After Hurricane Janet in 1955), Belmopan (City) and the villages of Hattieville, Mullins River (New), and Silk Grass (after Hurricane Hattie of 1961).

³⁹ Nolan, Mark et al. 1996. p.

⁴⁰ On the increased number of the Declared Protected Areas of Belize after 1992, refer to “Protected Areas Conservation Trust”. Annual Report, 2001-2002, pp.24-25.

⁴¹ Protected Areas Conservation Trust (PACT) Annual Report for 2001-2002.

⁴² Refer to Barnes’ Report (2001, p. 25) in which the consultant states that even though the Land Registration Act provides for an efficient, effective system of ownership recording, the system is currently suffering from financial crisis, which has resulted in inadequate working environment, insecure records storage area, limited number of trained staff, minimal use of automation and backlog of unprocessed work.

⁴³ Land Administration Project Final Report. 2001. p. LAP Progress Report 7, July 2000.

⁴⁴ For a better treatment on the nature and character of the secondary land market in Belize, refer to Iyo, *An Oral History of Land, Property and Real Estate development in Belize City (1961-1997)*. (Belize: UCB, 1998).

⁴⁵ Barnes Ltd., 2001, p.5.

⁴⁶ *ibid.*

⁴⁷ Belisle 1988, p.137

⁴⁸ Refer to Barnes Ltd., on some of these problems; also refer to transcripts of oral interviews with ministry officials, Jim Hyde and Grant.

⁴⁹ Based on conversations with key ministry officials.